SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 230

OFFICIAL REPORT
(HANSARD)

Wednesday, September 26, 2018

The Honourable GEORGE J. FUREY,
Speaker

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Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, September 26, 2018

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Senate Liberals who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Art Eggleton, who will retire from the Senate on September 29, 2018.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and they may speak only once, and the time for tributes shall not exceed 15 minutes. However, these 15 minutes do not include the time allotted to the response of the senator to whom tribute is paid.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Senator Eggleton's wife, Ms. Camille Bacchus; his daughter Stephanie Vass and his son-in-law, Les Vass. They are accompanied by friends and staff.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Jerahmiel S. Grafstein.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE ART EGGLETON

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I rise today to pay tribute to a friend and colleague, Senator Art Eggleton, who will be leaving us at the end of this week after more than 13 years serving in this chamber. Long before his arrival in the Senate, Art had already found his vocation in public service. Back in 1969 — some of us remember 1969 — he was first elected to Toronto City Council, and over the next 22 years he served the city as alderman, as budget chief and ultimately as a beloved mayor. With a tenure of 11 years as Mayor of the City of Toronto, he is the longest-serving mayor of that city.

His first foray into federal politics occurred in 1978. Not many would know this, but our common history — his and mine — goes back to a day in October 1978. Fifteen by-elections took place in October 1978. I was a candidate in Fundy Royal in my home province of New Brunswick, while Art ran in the riding of Parkdale in Toronto.

Neither of us was successful that night, though Art did a whole lot better than I did. He nevertheless made his way to the House of Commons in 1993, where he served for 11 years as the member for York Centre. Nine of those 11 years were in cabinet in roles such as Minister of National Defence and President of the Treasury Board.

He arrived here in the Senate, in this place, in 2005 and quickly set to work. He has been a dedicated member of many committees, but none better known and associated with Art Eggleton than the Standing Senate Committee on Social Affairs, Science and Technology, where he has been a long-time member and dutiful chair.

Over the years, he has spearheaded some of the Senate's most impactful committee reports and demonstrated the contributions that senators can make here in this chamber. Examples include the report *In from the Margins*, on cities, housing and homelessness, and another report, *The Shame is Ours*, a very recent report on forced adoptions.

It has been a long-standing tradition in this place that senior senators act as mentors showing new senators the way in what can often be and a new and challenging role. But the strength of this institution is also in the evolution we are seeing here now, that even as we say goodbye to a senator, new senators arrive. But, Art, you have helped show them the way.

Art, your independent Liberal colleagues and I wish you and Camille the very best for the next chapter in your lives, and good health and happiness always. You will be missed.

Hon. Peter Harder (Government Representative in the Senate): Your Honour, as Government Representative in this chamber, I rise to pay tribute and give thanks to our departing colleague and friend, the Honourable Art Eggleton. As Senator Day outlined, his accomplishments over the course of his career span five decades, setting him apart as one of Canada's longest-serving and finest statesmen.

He has been a leader in the development of social policy in this country, starting with our largest city, his hometown of Toronto.

• (1410)

Under his watch as alderman and then as mayor, more social housing projects were built for low-income people, more parks were created for children and families, and more help was provided for the homeless and the city's most vulnerable citizens.

Measures were put in place to make newcomers and people from different cultural, racial and ethnic backgrounds feel welcome in the city of Toronto — Hogtown no more — measures that led to Canada's largest city becoming one of the most multicultural cities in the world.

[*Translation*]

I had the opportunity to work with Senator Eggleton when he was President of the Treasury Board and I was the deputy minister. Senator Eggleton was not afraid of controversy or of making tough decisions in the public interest. That is the mark of a true leader.

[*English*]

Senator Eggleton has the special combination of creativity, caring, intelligence and affability, with a soupçon of principled ruthlessness that is essential for the recipe of good leadership.

While chairing the Standing Senate Committee on Social Affairs, Science and Technology, we have seen a great deal of important public policy work on issues that affect the well-being of all Canadians. As Senator Day has outlined, there were studies and reports on poverty, housing, homelessness, child care, health, obesity and dementia, to name just a few. And we will be forever grateful for his deft leadership in shepherding Bill C-45, the Cannabis Act, through this committee.

Senator Eggleton has been a leader in improving and modernizing this very institution. With great foresight, he wrote in 2013 about the need for an independent appointment process for senators and for a less partisan Senate. He also led in the creation of the Senate's open caucus, which has been a unique and creative way for the Senate to connect with Canadians and explore important issues and developing ideas in a non-partisan Senate.

[*Translation*]

Senator Eggleton, we will miss you very much, but I am sure you will continue to make life better for Canadians.

[*English*]

I doubt that even an obligatory retirement will stop you from helping others and helping make Canada better. You have left a rich legacy. Keep motoring.

Hon. Larry W. Smith (Leader of the Opposition): Art, if you hear some of the same words, it's because I copied someone else's speech.

Honourable senators, I rise today to also say a few words in tribute to the Honourable Art Eggleton upon his retirement from the Senate of Canada.

Every honourable senator is aware of Senator Eggleton's long history of public service well before he was named to this place. Of course, as a member of the Toronto City Council for 22 years, he is the longest-serving mayor in that city's history, and certainly one of its biggest champions. He held multiple cabinet positions under the Chrétien government, most notably serving as Canada's Minister of National Defence for five years, including during the September 11, 2001, terrorist attacks in the United States and their immediate aftermath.

Shortly after Senator Eggleton was appointed to this place on the recommendation of the Right Honourable Paul Martin, he was given the responsibility of shepherding the government's Budget Implementation Act through the Senate, a big job for a brand new senator. I have no doubt that the years he spent as city budget chief in Toronto prepared him well for that task.

In other words Art, you always knew your numbers.

[*Translation*]

Senator Eggleton's work over the past 13 years has demonstrated his dedication to the Senate of Canada. He has been passionate and eloquent in expressing and defending his beliefs during debate in this chamber and in committee.

[*English*]

Although Senator Eggleton has been a member of many Senate committees since 2005, I would particularly like to highlight his work with the Standing Senate Committee on Social Affairs, Science and Technology, like all the rest of our speakers. He has served as both deputy chair and chair of that committee, most recently guiding the committee through its study of Bill C-45, which legalized marijuana. During Senator Eggleton's membership with Social Affairs, the committee has produced many groundbreaking reports, as was said earlier: *Pay Now or Pay Later*, the report on autism; and *In from the Margins*, the report on poverty, housing and homelessness.

I would also like to pay particular attention to *Out of the Shadows at Last*, the report of 2006 which looked at mental health, mental illness and addiction in our country. One of the Social Affairs Committee's recommendations was the creation of the Mental Health Commission, established in 2007 by the previous Conservative government. Since that time, the Mental Health Commission has provided our country with much-needed leadership on this front, bringing forward Canada's first ever mental health strategy. Senator Eggleton, along with all committee members at the time, should be forever proud of the study Social Affairs conducted, which directly led to the creation of this commission.

In addition to his duties as a member in this place, Senator Eggleton has found the time to be involved in numerous non-profits and advisory boards, including Chair of the World Council on City Data. His retirement from the Senate of Canada will likely afford him more time to focus on those worthy initiatives. Is that true? I would say so.

On behalf of all Conservative senators and, indeed, all honourable senators, we extend our best wishes to you, Art, and your family for a very happy and healthy retirement, although I can never see a guy like you retiring. Congratulations.

Hon. Yuen Pau Woo: Colleagues, I understand that later in our sitting there will be a motion to declare Senator Eggleton's birthday null and void. I want you to know that I will vote in favour of the motion, but since it is unlikely to have any weight in law, I have no choice but to offer this tribute now.

It is, of course, a mark of his modesty that he has requested tributes from only the leaders. That restriction, however, has created a dilemma for many of us in the ISG ranks who want to pay their compliments and thanks to Senator Eggleton, not just because of what they know of him through their time in this chamber, but from the many years before.

We already have had a brief recounting of Senator Eggleton's distinguished history in municipal and federal politics, and I want to spend a minute focusing on his time as Mayor of Toronto.

It was when he was Mayor of Toronto that our colleague Senator Omidvar arrived in that city as a refugee, and I will now quote Senator Omidvar, who provided me with these words:

> I remember that Senator Eggleton was a man that cared about Toronto. Cared about its residents. Cared about the services the city provided and cared for newcomers like me. I got to personally know him in my previous career. I saw first-hand his passion for Toronto, but I also saw a lot more. I saw a commitment to service. Not only for Toronto but for all of Canada. He is a true social justice warrior who wants everyone to have the opportunity to succeed . . . .

Senator Eggleton is an unabashed leader in the fight against inequality and for social rights. He leaves the Senate with an established legacy. As the Chair of the Social Affairs Committee, he effectively steered the helm on a number of significant studies, a number of which have already been mentioned in this chamber.

I now quote the words of my colleague and his deputy chair on Social Affairs, Senator Chantal Petitclerc, who says:

> Working alongside Senator Eggleton in SOCI has been a pleasure and a privilege. He brings to the committee not only great knowledge, but also keeps in mind how we can be a better voice for the most vulnerable of society. As a fierce advocate for social justice, he has inspired me. As a chair and leader, he has impressed me by his ability to raise consensus and to bring out the best of all of the members.

Colleagues, one example of his commitment to social justice is the motion that he supported, encouraging the government to evaluate the cost and impact of implementing a basic income program. I was honoured to speak in support of his motion. While I know he will be disappointed that the pilot project in Ontario is not going ahead, another pilot project is starting in British Columbia, and I know he will be watching the results very closely.

• (1420)

Finally, Senator Eggleton was the driving force behind open caucus, a forum with which to provide information and discussion, on a non-partisan basis, not just as senators but also to members of the public. Senator Saint-Germain has said many times to me what a great pleasure was it to work with Senator Eggleton, and indeed it is the ethos of open caucus that defines Senator Eggleton. His commitment to openness goes across the spectrum. He is committed to open minds, he is committed to open hearts, and he is committed to open doors.

Colleagues, on behalf of the Independent Senators Group, we wish Senator Eggleton well. We wish him a well-deserved retirement and all the best to him and his family.

EXPRESSION OF THANKS

Hon. Art Eggleton: Honourable senators, it is time for me to say goodbye to the Senate of Canada after 13 and a half years of serving in this fine institution. I am also bringing to a close almost a quarter of a century in Parliament, which started with 11 years in the House of Commons, including nine years in the cabinet of Prime Minister Jean Chrétien.

With my 22 years on Toronto City Council, including 11 as Mayor of Toronto, that brings me to over 45 years in political office. Time for a break.

Now, I don't particularly like the word retirement, so I'm calling this my graduation because I intend to keep busy but with a little more balance in my life. A little more time with my family and friends. In that regard, I am delighted that a number of friends from Toronto and Ottawa are in the gallery and have been introduced by you, Your Honour, most particularly my daughter Stephanie, my son-in-law Les, and the light of my life, my wife Camille. Thanks to all of you for your love, friendship and support over the years.

Now the main words of any farewell remarks are "thank you." Thank you to the four leaders of the Senate, Senators Harder, Smith, Woo and Day, for your kind comments within the last few minutes. I salute you in return for your extraordinary dedication to public service in the important roles that you carry out in this chamber.

Of course I am also appreciative of the support given to all of us on a daily basis from the Senate administration, from you, Mr. Clerk, and from all those who play supporting roles in the administration of this place, including security personnel, maintenance staff, and the catering, cafeteria and parliamentary restaurant personnel who keep us all nourished as we go about our work.

A special shout out to the folks in Senate Communications who have brought about substantial improvement in getting our views and our work projects better known by the public.

Closer to home, I want to express appreciation for my colleagues in the independent Senate Liberal Caucus — these people around me. We are a small group nowadays, but I think we punch above our weight, as the old saying goes, when it comes to projecting our values into the examination of legislation

and committee studies. I thank you, Senator Joe Day, for your dedication and hard work in the leadership role, as I thank all past leaders of our team.

A special shout out to my own staff, executive assistant Janet McIlveen and parliamentary affairs advisory Michael Delaney, and also to Sarah Polowin, our coordinator for open caucus. To them and past assistants, I say you have been a major contributor to any success that I have had in performing my duties.

In my time, I have served on various Senate committees, but the top of the list, and I think the four leaders all expressed it well, is the Standing Senate Committee on Social Affairs, Science and Technology, where I put in most of my service during the past 13 and a half years. I was invited to join the committee by then chair Senator Michael Kirby, who I later succeeded as chair. I decided to dedicate my time, energy and passion to social justice and health care issues, particularly the needs of our most vulnerable citizens.

I have served as chair and deputy chair, in most all of those years, and have had an excellent working relationship with committee members, particularly those who served on the steering committee, of whom there are three current senators, Judith Seidman, Chantal Petitclerc and Carolyn Stewart Olsen. I would be remiss if I didn't mention in that context immediate past chair Kelvin Ogilvie and former deputy chairs Wilbert Keon and Hugh Segal. We could have sharp disagreements on government legislation, but when it came to our policy and investigative studies, we worked as a team, employing the best evidence available. I am proud to say that every study we initiated over these years was approved by the full committee unanimously, and also received Senate support. Many of our recommendations did find their way into government policy at one time or another.

Much credit goes to our committee clerks, most recently Shaila Anwar and the researchers of the Library of Parliament, notably Sonya Norris.

Further, in regard to issues affecting our most vulnerable citizens, I'm pleased to have started and convened the All-Party Anti-Poverty Caucus open to all parliamentarians, and also to have convened and co-chaired the Wednesday morning open caucus sessions dealing with a variety of social and economic policy issues. My thanks to co-chair Senator Raymonde Saint-Germain and, in the past, former Senator Claudette Tardif. Best wishes to my successor in this project, Senator Jane Cordy.

Colleagues, as I reflect on the past 13 and a half years, I must say that I believe that the three years of this Forty-second Parliament have been the best ever. I largely attribute this to the new Senate appointment process focused on making this chamber less partisan and more independent. I know some of my colleagues don't share my enthusiasm, and I respect your right to disagree. But I think we're heading towards a Senate more in keeping with the independent body envisioned by the Fathers of Confederation and by current-day public opinion. I hope that in the future this path will be continued, but I would like to suggest one modification.

More appointments of those with legislative experience, including the House of Commons, should be added to the mix, regardless of past partisan connections. They, like all other appointees, can bring valuable expertise to the chamber.

Talking about partisanship, I hope, regardless of the outcome of the next federal election, we will not revert to the previous system of having most appointees affiliated with the two largest political parties in the House of Commons, the Liberals and Conservatives. That system, which I was once a part of, has run its course in this chamber.

However, partisanship to one's beliefs or values is entirely appropriate. On that basis, senators could organize themselves into teams or groups based on those beliefs or values, while remaining independent of the established political parties. It is difficult for individual members to keep on top of every issue before this body, so working with people you trust and have common cause with will help to ensure thorough examination of all proposed legislation.

An alternative to what I have just outlined could be something similar to the U.K.'s House of Lords, where there still are political party appointments made based on recommendations from the different parties, but the balance of power is effectively held by the independents, primarily known as cross-benchers, which to me has some similarity with our own Independent Senators Group, or ISG.

• (1430)

One further issue I would like to mention relates to the forthcoming temporary move of the Senate to what is currently known as the Government Conference Centre while this building undergoes renovations. For the first time, meetings of the Senate will be fully broadcast and seen on television or other electronic devices, as already is the case with our committee meetings. That is good news because it will demonstrate the high quality of Senate debates in making the public better informed about the work in this chamber.

However, some improvements are needed in the organization of Senate business to maximize the benefits of getting the message across to the public. Without going into details, such matters should be addressed soon by the Senate Modernization Committee.

Colleagues, in addition to passing on my thoughts about the future of the Senate, which you may or may not agree with, I would like to close by wishing you all well in your efforts to make Canada a better place through the legislation and study reports that pass through this chamber. I have no doubt that all of you strive to make a positive difference in the lives of Canadians. As the old saying goes, the greatest of vocations is service to others. Best wishes to all of you in those endeavours.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of students of the Canadian Forces College, which will be celebrating its seventy-fifth anniversary on October 4, 2018, led by Lt.-Col. John Cochrane and Col. Ryan Jurkowski. They are the guests of the Honourable Senator McPhedran.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

PEACE AND SECURITY

Hon. Marilou McPhedran: Honourable senators, I rise today to add my welcome to the delegation from the Canadian Forces College, led by Colonel Ryan Jurkowski and Lieutenant-Colonel Cochrane. I met with Lieutenant-Colonel Cochrane in Camp Julien in Afghanistan more than 10 years ago. I take this opportunity to congratulate the college on its seventy-fifth anniversary as a defence and security training centre. We maintain our military to make and keep peace.

[*Translation*]

I would like to note that the college and the students in the gallery today are part of an international student program with participants from a number of countries, including some developing nations. The purpose of the program is to promote Canada and its values.

I would also like to congratulate MP Borys Wrzesnewskyj, our colleague in the other place, who worked hard to create the new position of Ambassador for Women, Peace and Security.

[*English*]

Which I was pleased to support through co-hosting a community consultation in Manitoba this summer.

This past weekend in Montreal, Foreign Minister Chrystia Freeland co-hosted with the European Union the first ever Women Foreign Ministers Meeting, a groundbreaking initiative that stemmed from the G7 summit in June here in Canada that focused on gender equality. On Saturday, September 22, Minister Freeland confirmed this new position of Ambassador for Women, Peace and Security, a great step forward for Canadian diplomacy and sure to strengthen our profile as a candidate for the UN Security Council.

Senators, today is the first anniversary of the signing of the UN Treaty on the Prohibition of Nuclear Weapons, to which Canada is not a signatory, but almost two thirds of the UN member states support this new treaty.

[*Translation*]

The Treaty on the Prohibition of Nuclear Weapons is essential to maintaining peace and the freedom to live without fear. It is our duty as a nation and as individuals to work toward ending violence and keeping everyone safe.

[*English*]

At the UN General Assembly this week, we continue to showcase our Canadian values of gender equality and peace building on the international stage. Canada is running for a UN Security Council seat for 2020 and must show the world that we are ready to take on the responsibility of sitting on the most influential UN body. I was in the UN General Assembly with students, and we heard our Prime Minister promise the world that Canada is back. We must lead to ensure a sustainable, peaceful world free of violence and nuclear threat. Thank you. *Meegwetch*.

MID-AUTUMN FESTIVAL

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today on the occasion of the mid-autumn festival and *Chuseok*, Korean Thanksgiving, which was celebrated September 23 to 25 by Canadians of Asian descent from coast to coast to coast. Fourteen countries in East and Southeast Asia, including Korea, China, Vietnam and Singapore, celebrate this annual holiday season with family, friends and community. Each fifteenth day of the eighth month on the lunar calendar, people rejoice in the year's plentiful harvest and remember their ancestors, who worked diligently in hopes of bettering the lives of their descendants to follow.

In China, Taiwan and Singapore, the mid-autumn festival is an occasion for families to gather together to light colourful lanterns, eat moon cakes and drink tea while admiring the fullness of the moon in the night sky. The moon, which is the fullest and brightest at this time of year, represents harmony and unity of family.

In Vietnam, the festival is a celebration of the happiness and joy that children bring to families. Along with sharing a meal together, Vietnamese people light star lanterns that represent the purity and light in each child.

In Korea, many members travel distances to celebrate *Chuseok* by giving thanks to their ancestors, sharing stories and eating traditional foods, such as *songpyeon*, a colourful rice cake with sweet fillings; a variety of *jeon*, mini pancakes made with vegetables, seafood and other tasty ingredients; Korean pear-apples, sweet and juicy, some as big and round as five-pin bowling balls; and more.

On Sunday, September 23, the first day of *Chuseok*, I decided to serve some of the traditional foods with roasted chicken and all the trimmings of a Thanksgiving turkey dinner to my blended, modern Canadian Korean family. Although traditions differ in each country, there is an overarching theme of family and giving thanks.

Honourable senators, I wanted to highlight this important pan-Asian tradition in our chamber and underscore the valuable contributions made by Canada's diverse and vibrant Asian communities. Though there are distinct differences in traditions, it is the shared sense of family values that all Canadians treasure that makes our multicultural tapestry vibrant and strong. God bless the people of Canada. Thank you. *Kamsahamnida*.

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Mario Seccareccia. He is the guest of the Honourable Senator Bellemare.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CANADIAN ECONOMICS ASSOCIATION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, in June of this year, the Canadian Economics Association met for three days at McGill University in Montreal for its fifty-second annual conference.

A number of topics were discussed. As a labour market economist and in my role as a senator, I was delighted to take part in a panel organized under the theme "The Mandate of the Bank of Canada: Continuity or Change?"

The panel was organized by David J. Pringle of Carleton University, also a former president of the Progressive Economics Forum, and by Jeremy Mitchell Kronick of the C.D. Howe Institute. It was moderated by Armine Yalnizyan of the Canadian Association for Business Economics. The panel consisted of the following people: Mario Seccareccia, Professor Emeritus, University of Ottawa, Jeremy Mitchell Kronick, from the C. D. Howe Institute, Thorsten Koeppl, from Queen's University, and myself. We debated the issue of changing the Bank of Canada's mandate.

• (1440)

Around the same time, this spring, 61 economists, primarily scholars, professors and researchers from across Canada, entered into a public debate. This debate was initiated by Professor Seccareccia in a letter addressed to Minister of Finance Bill Morneau that suggested expanding the Bank of Canada's mandate into a dual mandate.

As a parliamentarian, senator and labour market economist, I support this initiative to give the objectives of price stability and full employment equal consideration in the Bank of Canada's mandate. That's the opinion I voiced at the conference in June.

Don't worry, colleagues, I'm not going to debate that issue today. I simply want to thank the Canadian Economics Association for providing a forum for a discussion on a subject that is so important to Canada. I also want to express my warmest thanks to Professor Seccareccia for starting this conversation with the letter addressed to the Minister of Finance.

Thank you for listening.

[*English*]

THE TSUNAMI OF 1929

Hon. Fabian Manning: Honourable senators, today I'm pleased to present Chapter 39 of "Telling Our Story."

Large-scale seismic events are rare in eastern North America and virtually non-existent in Newfoundland and Labrador, but there was one such incident that will never be forgotten by the people of my province.

At 5:02 p.m. on Monday, November 18, 1929, an underwater earthquake occurred on the southern edge of the Grand Banks, about 265 kilometres south of Newfoundland's Burin Peninsula. It measured 7.2 on the Richter Scale and was recorded as far west as New York and Montreal and as far east as Portugal. The earthquake shook and displaced built-up sediments, causing the most powerful underwater landslide ever recorded in Canadian history.

On the Burin Peninsula, ground tremors lasted for about five minutes but did not cause any serious damage at that moment. No one in the area had experienced an earthquake before and although a few people knew what was happening, no one could have imagined what was coming next. The underwater landslide caused a massive tsunami that raced through the sea at speeds of up to 140 kilometres per hour, with waves as high as eight metres, or 26 feet. When it reached Newfoundland, it was preceded by a sudden drop in the tide level — characteristic of an impending tsunami — followed by three colossal waves. These waves destroyed and damaged countless buildings throughout the Burin Peninsula with some areas seeing a rise in water levels of up to 27 metres, or nearly 90 feet.

The vessels that were the livelihood of so many fishermen were washed out to sea or capsized, and many of the wharves and fishing sheds were also lost. Entire communities were swallowed by the tsunami, and at least 1,000 people were left homeless with property damage estimated to be in excess of $1 million in 1929 currency.

But worst of all was the staggering death toll of the event. Twenty-eight people perished in the disaster, making it Canada's single deadliest earthquake-related event ever. This is due in part to the fact that the island had no means of detecting a tsunami, and was completely unprepared when the disaster struck.

To add to the catastrophe, no one outside the area knew what had happened. The Burin Peninsula had lost communication with the rest of the island when a storm damaged its main telegraph wire the previous weekend. The tsunami also snapped all land lines between the peninsula's coastal communities, making communication impossible for the survivors. All they could do was wait for help to arrive.

In the early hours of November 21, the coastal steamer the *SS Portia*, under the guidance of Captain Westbury Kean, rounded the point of Burin Harbour. Captain Kean later described what he witnessed as a war zone. Houses, sheds, boats and debris floated by his ship as he entered a harbour that no longer existed.

The *SS Portia* was equipped with wireless communication and sent a message to St. John's. The *SS Meigle* was quickly loaded with provisions, nurses and doctors and arrived in Burin the next day.

In the meantime, government officials and prominent citizens of St. John's established the South Coast Disaster Committee to coordinate fundraising and other relief efforts. Within weeks of its formation, the committee had collected approximately $200,000 from the people of the province. Many who could not afford to donate money gave food, clothes and other items. As news of the disaster spread, $50,000 also arrived from Canada, the United States and Britain.

While we mourn the loss of those who died during this tragic event, we think of, and are grateful for, those who stayed the course, rebuilt their homes and communities and whose descendants today make sure the Burin Peninsula continues to be a historic and beautiful region of Newfoundland and Labrador.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Gerald Barnable.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

EMANCIPATION DAY

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to recognize Emancipation Day. It was on August 1, 1834, that the Slavery Abolition Act took effect and brought an end to slavery throughout the British colonies, in the West Indies and North America. Emancipation Day is a time for African Canadians and allies to observe the historical significance by remembering our past, reflecting on our present and preparing for the future.

Emancipation Day observances arose throughout the colonies of Britain to commemorate the legislation that freed over 800,000 enslaved Africans. Celebrations have been held in many towns across Ontario, Quebec, Nova Scotia, New Brunswick and British Columbia.

This past August, I had the privilege of attending three emancipation events, two in Toronto, with A Different Booklist and the Ontario Black History Society and the other in Owen Sound for their one hundred and fifty-sixth annual Emancipation Festival. What began as a simple picnic to celebrate Emancipation Day in 1862 has grown to become the longest-running emancipation celebration in North America.

I spent the weekend with my spouse and our two young grandsons as they learned about our ancestors' history and the Underground Railroad. Owen Sound is recognized as the most northerly terminus of the Underground Railroad. The festival celebrates those who survived the treacherous journey from slavery to freedom and the allies who made that possible.

Congratulations to the Owen Sound Emancipation Festival board for all of their hard work in keeping this festival alive for so many years. A special thanks to Blaine Courtney and Dorothy Abbott for their leadership and organization.

The fact that the people of Owen Sound have been marking this day for the last 156 years is probably the nation's best-kept secret. Today, it is my honour to make that secret public. This history must be remembered and we must teach this often forgotten and ignored history, as I taught my grandsons this summer.

Honourable colleagues, please take a moment with me to commemorate the day that Africans were freed from slavery and remember that August 1 is Emancipation Day. Thank you.

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 2, 2018

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 2, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

• (1450)

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 2, 2018, at 2 p.m.

PROMOTION OF ESSENTIAL SKILLS LEARNING WEEK BILL

FIRST READING

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate) introduced Bill S-254, An Act to establish Promotion of Essential Skills Learning Week.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Bellemare, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

LIFE OF NEVAEH DENINE

NOTICE OF INQUIRY

Hon. Fabian Manning: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the life of Nevaeh Denine.

QUESTION PERIOD

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Government Leader in the Senate concerning the Trans Mountain Expansion Project.

Last week Senator Harder told us that we would soon hear how the government would proceed on Trans Mountain. However, the announcement from Minister Sohi last Friday was, at best, a preliminary step. It was not the wide-ranging plan that Canadians were hoping to see. First, the announcement didn't tell us what will happen next February, after the National Energy Board completes its new review. Second, no path forward on Indigenous consultation was identified. Third, we don't know when construction will begin.

It is nearly a month after the court ruling. When will the government provide these answers to the taxpayers who now own the project, and the energy workers whose jobs depend on it?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question and his ongoing interest in this.

Let me start by saying, and repeating yet again, that this government has every confidence in this project, and they are moving forward in a deliberate fashion. I would mention three recent steps in particular. First, the government has instructed the National Energy Board to reconsider its recommendations to take into account the effects of project-related marine shipping. Second, the government will present to the National Energy Board recent government actions to protect southern resident killer whales and to implement the $1.5 billion Oceans Protection Plan. Third, the government intends to appoint a special marine technical adviser to the National Energy Board. The government is committed to ensuring that the NEB has the expertise and the capacity to deliver the best advice to the government.

As all senators will know, the NEB will be reporting back within 22 weeks of the announcement. It is the view of the government that this represents one important step towards addressing the issues identified by the Federal Court of Appeal while continuing to deliver the highest level of marine protection that Canadians expect. The government remains committed to the best path forward in consultation with Indigenous groups. Further announcements will be made as appropriate.

Senator Smith: Thank you for the response. It would be helpful if we had some form of a critical path that could show, within 6 to 12 months, when construction would begin. If you have the opportunity to speak to the powers that be, I would ask that they give us some form of concrete, evidence-based strategic plan. Canadians own this pipeline now, and it's important that we get action. I really worry about the workers of our country, and the efficiency of who is managing the project.

Senator Harder: Again, I thank the honourable senator for his concern. Let me reiterate that it is for the efficacy of this project, belief in this project, and the benefits it has for Canadians and indeed the workforce that Canada undertook the actions it did and is continuing to pursue with confidence that this project will go forward. Clearly, the ruling of the Federal Court of Appeal is one that the government has and needs to respond to. With respect to further questions, let me assure the honourable senator that when Minister Morneau appears in this chamber next week, there will be ample opportunity for senators to ask him questions.

JUSTICE

ROADSIDE CANNABIS TESTING—DRUG RECOGNITION EXPERTS

Hon. Paul E. McIntyre: My question for the Government Leader in the Senate today is one that I was hoping to ask the Minister of Justice yesterday.

Statistics Canada data shows that young males and females aged 15 to 24 in my home province of New Brunswick use marijuana at a rate higher than the national average. I am concerned about a rise in drug-impaired driving, especially among youth. Last week, the New Brunswick Association of Chiefs of Police confirmed that police forces in my province will not have roadside marijuana detection devices by the time marijuana is legalized in almost three weeks.

As well, the number of drug recognition experts is low. For example, the Bathurst Police Force has five DREs, Grand Falls has one, and Fredericton will have five. What assurances can be given to New Brunswickers about the safety of their roads after October 17? When will New Brunswick have a roadside detection device and more drug recognition experts?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. His concern is shared broadly. I will ensure that the minister is made aware of the question, but let me respond as best I can to this important point.

The senators will know that Bill C-46 provided enhanced capacity for drug and alcohol detection. This is not a problem that will begin on October 17. It is an existing problem. Indeed, as statistics showed in the debates we had on Bill C-46 and Bill C-45, the incidences of drug-impaired driving exceeded drunk driving with the regime of the past. That is why the government undertook the significant improvements to our enforcement capacity with those provisions of the bill, a bill I wish all senators had supported, but not all did.

With regard to the work under way with the enforcement activities, Minister Wilson-Raybould yesterday and Minister Goodale on other occasions indicated the process of acquisition of devices is under way. You will know, from the comments of the minister, that the National Research Council Canada is also involved in certifying the devices and that more devices are expected to be available.

• (1500)

With respect to the training programs, they have begun as a result of the Royal Assent to Bill C-45 and Bill C-46, and the process is well under way.

Minister Blair has made public comments with respect to the implementation timeline. He too, I expect, will be in this chamber to assure all senators that implementation is being forwarded and managed in the best possible way.

Senator McIntyre: Leader, I listened carefully to the minister's remarks yesterday to questions from my colleagues. The minister told Senator Carignan that " . . . we have invested significant amounts of dollars to train drug recognition experts."

Police services in my home of Restigouche are provided by the RCMP's Campbellton detachment. I would like to draw the leader's attention to an Order Paper answer he tabled in the chamber last week. It shows that only one RCMP officer in all of New Brunswick has been trained as a drug recognition expert since 2015.

Could the government leader make inquiries and let us know where in New Brunswick this RCMP officer is stationed? Could he also find out when more RCMP officers in New Brunswick will receive this type of training?

Senator Harder: I would be happy to do so.

[*Translation*]

COURT CHALLENGES PROGRAM

Hon. Raymonde Gagné: My question is for the Government Representative in the Senate and has to do with the Court Challenges Program, or CCP. I asked Minister Wilson-Raybould about this program yesterday and her answer raised some additional questions for me.

Was responsibility for the CCP also given to the Minister of Tourism, Official Languages and La Francophonie by order? What minister is responsible for selecting the members of the two expert panels? Did the minister in question receive recommendations from the selection committee or has a timetable been established for that? When will the CCP be able to receive submissions and grant funding for cases of national significance?

Did the Language Rights Support Program, or LRSP, actually cease its operations on March 31, 2017? Do litigants have access to LRSP funds or have other funds designated for a similar purpose been made available since April 1, while the CCP is being set up?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Let me assure her I will inquire of the appropriate minister about a response.

ENVIRONMENT

CHARTING AND REGULATION OF ARCTIC WATERS

Hon. Nicole Eaton: Honourable senators, my question is for the government leader in the Senate, Senator Harder.

Earlier this month I was part of the Arctic Committee's fact-finding trip North of 60, where we met with dozens of people to hear the challenges they face. We heard from Suzanne Paquin, President and CEO of NEAS, a major shipping company in the North, about the problems facing the Northwest Passage as it becomes more accessible.

Only 1 per cent of the passage is charted. Although Canada claims the passage as internal waters, it has not adopted suitable regulations about the kinds of vessels that can enter and where they can go. The lack of charting and regulations and the danger of floating ice pose serious safety risks, and Canada is not equipped to deal with them.

Just a few weeks ago, the Coast Guard was diverted from a assisting a community resupply mission because it had to rescue two Russians who crashed their sailboat. This problem will only get worse as climate change makes the Northwest Passage more accessible.

Senator Harder, when is the government going to start charting and regulating the Arctic waters and ensuring sufficient search and rescue capacity in that area of our country?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her questions. They are important questions along with other questions which undoubtedly will arise in the work of this important committee studying the Arctic. I do believe this house and the other place and, indeed, Canadians generally are not fully appreciative of the public policy impacts that climate change will impose on all of us. I look forward to responding in detail to the questions being posed as well as others that might come forward.

Let me simply also say that it behooves all of us in this chamber to work diligently on measures to counter climate change, and I look forward to the support of all senators for the legislation before us in that regard.

NATIONAL DEFENCE

CFB GAGETOWN — AGENT ORANGE

Hon. Carolyn Stewart Olsen: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator, last week you provided me with a delayed answer to a question I asked regarding Agent Orange use in and around CFB Gagetown. The reply I received — I'm not blaming you or questioning you — was months out of date, and it simply reiterated the media story, the basis on which I asked the question.

So in July, Mr. White, the person who had identified this memory of the dump sites, was brought to the base and led officials to the area he identified as a dumping site for Agent Orange. Officials at that time said it could take months before the search is complete.

Leader, it's now September. New Brunswickers need to know if further Agent Orange sites have been identified at Gagetown. Has DND worked to identify this further, and will they share that information?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question.

With the trepidation of the preamble to the question, I will say I will take this question to the minister and provide a response.

Senator Stewart Olsen: Thank you, senator. I am going to reiterate that I was very disappointed with the written responses. Perhaps you could speak to the minister himself and his officials could provide us with more fulsome answers in the future.

Senator Harder: I will do so, but not in writing.

Senator Stewart Olsen: Thank you.

ORDERS OF THE DAY

CUSTOMS ACT

SECOND READING — DEBATE ADJOURNED

Hon. Mary Coyle moved second reading of Bill C-21, An Act to amend the Customs Act.

She said: Honourable senators, I am pleased to rise today in support of Bill C-21, An Act to amend the Customs Act.

The Canada-U.S. border stretches across 8,891 kilometres. There are an estimated 400,000 people who cross the Canada-U.S. border every day at 119 border crossings, and there is no current way of knowing exactly who has exited our country.

In February 2001, the Prime Minister of Canada and the President of the United States issued a joint declaration regarding border security. This document sets out four areas of cooperation between both countries, which included integrated cross-border law enforcement. This joint declaration outlined an entry-exit system between the two countries. Following the declaration, both the U.S. and Canada published a joint action plan known as Beyond the Border. This outlines the priorities for both nations regarding their shared border.

The action plan contained a four-phase implementation approach to the information exchange which began in September of 2012 and continues today with the introduction of Bill C-21.

• (1510)

Phase 1 was implemented in September 2012. It allowed for Canada and the United States to begin implementing a proof of concept regarding the exchange of information, which began with the gathering of data of third-country nationals, permanent residents of Canada and lawful permanent residents in the United States, at two to four automated common land border ports of entry.

Phase 2 began in June of 2013. It formally implemented a program exchanging the data of third-country nationals, permanent residents of Canada and lawful permanent residents in the United States at all automated common land border ports of entry.

Phase 3 is intended to expand the program to include the exchange of data on all travellers at all automated common land border ports of entry.

Phase 4 is meant to establish an exit system, similar to that in the United States, under which airlines would be required to submit their passenger manifest information to the Canada Border Services Agency on outbound international flights.

The Office of the Auditor General of Canada confirmed in the fall of 2016 that the final two phases, Phase 3 and Phase 4, would be implemented in 2018. The proposed changes authorized in Bill C-21 to the Customs Act would provide the Canada Border Services Agency, or CBSA, with the legislative authority to collect basic exit information on all travellers leaving Canada. The information gathered is simple biographical data that can be found on page 2 of one's passport, such as name, date of birth, sex, nationality. This information will allow the CBSA to track who has left the country and when.

Up until now, the CBSA has only been able to collect information on travellers entering Canada. This has resulted in an information gap which may cause law enforcement to miss the exit from our country of, for example, Amber alert victims, individuals escaping justice, individuals seeking to join recognized terrorist groups abroad, or known high-risk travellers and their goods, such as human or drug smugglers or exporters of other illicit goods.

Bill C-21 will close this information gap by authorizing the CBSA to collect exit information on all travellers. For those leaving by land, the CBSA will receive information from U.S. Customs and Border Protection, which collects the same information on entry into the United States. For those leaving by air, the CBSA will receive this information from the airlines. In other words, travellers won't have to provide any additional information or be otherwise inconvenienced.

Here is how it will work in more practical terms. If I decide to drive to the United States to visit a friend in Boston from my home in Nova Scotia, I will cross the border from New Brunswick into Houlton, Maine. I will present my passport to the U.S. border patrol officer. They will gather the information contained on page 2 of my passport. This information, as I mentioned before, includes my surname, my first and middle names, my date of birth, my citizenship, my nationality, my sex, the type of travel document — in this case passport — that I have used to identify myself and the name of the country or organization that issued the travel document. Again, in this case, that is Canada. It will also include the travel document number and the date, time and place of my departure from Canada, and the date, time and place of my arrival into the United States of America.

This information will then be shared with the Canada Border Services Agency. Currently, this type of information on travellers exiting Canada is being gathered by the U.S. border patrol, but it is not yet being shared with Canada.

If someone crossed the Canada-U.S. border with a child who was later declared missing, we would have the information, if this bill were in place, on where and when the child crossed into the United States, which would facilitate cross-border cooperation in finding that child rapidly. At the moment, that is not information that would be shared with the Canada Border Services Agency.

Now, if I decided to take an international flight from Halifax to London, England, or to Newark, New Jersey, for example, the information contained within the air carrier manifest would be shared electronically with the Canada Border Services Agency.

Bill C-21 serves a number of vital public policy objectives. It will address several security blind spots caused by the fact that we don't currently have the legislative authority to keep track of who leaves our country. It will also rectify certain resource management issues by providing Immigration, Refugees and Citizenship Canada and Employment and Social Development Canada with the ability to know who has left Canada, and when.

Furthermore, like all of you, I take the privacy concerns and the rights and civil liberties of all Canadians very seriously. The process by which information will be collected, exchanged and retained under Bill C-21 has been the subject of extensive consultations, and the privacy of individuals has been a paramount consideration throughout the development of this legislation.

Bill C-21 also takes into account several privacy protection measures as set out in the joint statement of privacy principles released by Canada and the United States in May 2012. That statement includes 12 principles of information sharing, including a need to ensure proper security safeguards for the information shared and effective oversight measures over the sharing of this information by various departments.

The Office of the Privacy Commissioner has been engaged extensively on this subject. In fact, when the commissioner testified before the committee in the House of Commons, he emphasized the important policy implications involved in this piece of legislation and that the information in question is not of a sensitive nature. Here are his full words:

> Based on our discussions with the institutions involved and the information provided to us so far, I am generally convinced that there are important public policy objectives that this initiative is trying to address and that the personal information in question is not particularly sensitive.

Once this legislation is in place, the Privacy Commissioner will continue to be engaged because the new system of exit data collection will require that privacy impact assessments be carried out by a number of federal organizations before the system is implemented. An amendment related to the length of time that exit information could be retained after collection was adopted by the house committee. A 15-year retention period put forth by the New Democratic Party was adopted as part of Bill C-21.

Moreover, before the CBSA would be able to share information with the United States, a formal information-sharing arrangement between the two actors would be created which would include information management safeguards and privacy protection clauses. At the moment, we may not know that an abducted child who is the subject of an Amber alert has been taken out of the country. With Bill C-21, we would be able to know who has exited, at what point of exit and at what time. We may not know that someone who has been radicalized is leaving Canada to join a terrorist group abroad. With Bill C-21, we will be able to know who has left the country and where they are going.

Lack of border exit information also creates problems for the administration of social benefit programs, which have residency requirements. The entry-exit initiative will provide Employment and Social Development Canada with the information it needs to ensure that Old Age Security benefits are provided to those who truly qualify for them.

• (1520)

The information gathered will not affect Old Age Security for most people. Eligible seniors who have resided in Canada for a minimum of 20 years after the age of 18 will continue to collect Old Age Security benefits, even if they live outside of Canada.

The lack of border exit information also creates an additional difficulty regarding applications for citizenship and permanent residents, as there is no quick and reliable way of knowing that an applicant spent the requisite amount of time in Canada. Bill C-21 will aid this situation by allowing records of entry and exit to be shared with the administrators of these programs, thereby simplifying the information required to be submitted by the applicants.

Bill C-21 will address these and other gaps, improving Canada's ability to combat cross-border crime, protect vulnerable victims of child abductions and human trafficking, effectively administer immigration and social benefits programs and continue to manage the border in a way that contributes to the safety and prosperity of Canadians.

Most of our allies have responded to new security threats by implementing similar systems. This legislation will help bring Canada in line with our international partners.

In November 2017 the European Union adopted regulations for an entry-exit system that will register the entry and exit of any non-EU nationals crossing at the external border. This new initiative has similar goals to what is contained in Bill C-21. Nonetheless, there were a number of concerns raised in the other place that may warrant further scrutiny. I have already mentioned the issue of privacy.

It was raised a number of times that Bill C-21 does not address Canada's immigration refugee system, nor the asylum claim process. Well, that is correct. Bill C-21 is not attempting to address either the immigration or the refugee system currently in place in Canada. It is uniquely an entry-exit initiative to share vital border information between our two countries.

As honourable colleagues know, our highly-trained CBSA officials play a critical role in keeping our borders secure and facilitating the flow of legitimate trade and travel. However, no matter how well we train our Border Services officers, we must understand that their effectiveness depends on having the right tools, and this includes having complete and accurate data in order to deliver on their mandate of maximizing the safety and security of all Canadians.

Canada is a free and open society in which the rights and liberties of all Canadians remain vital to our own sense of identity. With that, I urge all senators to consider sending this important piece of legislation to committee as quickly as possible in order to allow for the careful study and scrutiny we pride ourselves on in the Senate of Canada.

Honourable senators, the time has come to close the information gap that exists in our current border operations and to meet the commitment we already made regarding enhancing our border security. Bill C-21 is one of a number of important tools to achieve this. Thank you.

Hon. Ratna Omidvar: Will the honourable senator take a question?

Senator Coyle: Happily.

Senator Omidvar: I was clapping in my enthusiasm because I so support the principle of this bill. I apologize for interrupting you.

There is, as you said, such a significant information gap. When I look at the information-gathering systems of similar jurisdictions, let's say on the immigration issues in Germany, they have clear entry and exit figures. We only have entry figures. We have no exit figures and there is mythology built up around the numbers of people who have gone underground, overstayed their temporary foreign worker visa, et cetera. I really welcome the principle of this bill.

Mistakes in data gathering can be very costly for individuals. You pointed out implications possibly for Old Age Security, possible criminal charges. My question is: Will Canadians be able to request a copy of their travel data to correct discrepancies if there are any?

Senator Coyle: Thank you very much for this question, Senator Omidvar.

My understanding is that level of detail is to be worked out in the regulations that are associated with the bill.

In preparation for today, I have been reading a lot, as we all do. In particular, I read a brief on Bill C-21 that was presented by the International Civil Liberties Monitoring Group. That group has clearly outlined a variety of issues, even more than those that you have just mentioned here, which are I think important ones for our committee to consider also, because it's the issue of recourse, being able to see what is known about you. First, the right to have the same information that is being gathered and collected about you; and also, to correct that information if it is wrong, I believe is your question. So these are things that we would want to make absolutely sure that, as we move with the study of this bill, that that point is well covered. If the bill itself requires further amendment, which I do not believe it does, that the regulations take this into account. Thank you.

Hon. Serge Joyal: Would the honourable senator accept another question?

Senator Coyle: Yes, I would be happy to do that, Senator Joyal.

Senator Joyal: Thank you, senator.

In listening to you, I could not but think about section 6 of the charter that states the following and I read it: "Every citizen of Canada has the right to enter, remain in and leave Canada."

This is a charter right. It is under the guidance of section 1 also. That has to be interpreted in that context. Has the honourable senator paid any attention to the limit of the freedom of movement of Canadians and the protection to leave the country when they want and to come back when they want?

Senator Coyle: Thank you for that question, Senator Joyal. I am not the constitutional or charter expert that you are, but my understanding is this very simple bill — it doesn't mean we don't look carefully at simple bills — is not going to inhibit any movement. This bill will do two things: First, the information that is already gathered by the American authorities at the border — you can leave when you want. Your information is already being gathered at the U.S. border — that information on your movement out of Canada, into the U.S., that's at a land border, that will be shared. If you're on a flight and you're leaving Canada, the flight manifest will be shared. So those two ways of information sharing will happen. The flight manifest will only be shared internally into Canada. That information is only going to the CBSA. In this case, the information that is already being collected by the U.S. border officials will then be transferred to Canadian Border Services Agency.

Hon. Yonah Martin (Deputy Leader of the Opposition): I also have questions for the honourable senator.

Senator Coyle: I would be happy to take your questions, Senator Martin.

Senator Martin: Thank you, senator.

The first question is prefaced by just the fact that I know that this bill is implementing the Beyond the Border agreement that was negotiated successfully by the previous government, Prime Minister Harper and President Obama. I know that in principle I too understand the importance of this and I was listening carefully to your speech.

There was one concern that was raised by stakeholders, such as the Canadian Snowbird Association, and whether the sharing of information in any way poses a risk that Canadians wintering in the United States may become subject to U.S. income tax and more scrutiny as a result of information shared. Would you address that concern?

Senator Coyle: The question is whether they would be subject to U.S. income tax?

Senator Martin: I guess the risk of being subject to income tax with information about their travel. Some of the snowbirds or Canadians who may spend time in the U.S. were concerned about greater scrutiny, whether or not these concerns are being looked at carefully and what information is being shared with the U.S.

• (1530)

Senator Coyle: Thank you for your question, Senator Martin. My understanding is that information is already being collected by the United States authorities. If there were to be an impact on an individual's United States tax duties, they would already be captured by that collection of data at the border by the U.S. authorities. This is strictly a sharing back into Canada of the flow of people leaving Canada.

Senator Martin: It may be good to hear from them if they have any other concerns. I know certain snowbirds myself.

This bill is an attempt to thin the border and to, as you say, facilitate the flow of trade and travel. But what considerations have been taken and have there been discussions about the legalization of marijuana and potential thickening of the border? I can foresee that there could definitely be a thickening of the border because marijuana is not legalized federally in the United States, although in certain states it is. I can envision some challenges. Could you address that issue?

Senator Coyle: I can well imagine that all kinds of adjustments are going to be made at our land and other borders as a result of the new law that is soon to come into effect in Canada regarding cannabis. I don't, however, believe that Bill C-21 will in any way have an impact on that.

If illegal drugs in Canada were being moved across the border with the U.S. and caught at that point, then Canada would want to know about that.

It is the same with any other illegal goods, with human trafficking, sex trafficking, anything like that. It could be a disgruntled member of a couple who wants to take a child out of the country against the legal requirements that they are subject to. That case would be something this would catch. The issue of marijuana causing a snarl at the border is not related to this particular bill. It would not cause any further disruptions.

The Hon. the Speaker: Senator Martin, do you have another question?

Senator Martin: I have a follow-up to what you just said.

There are concerns that there could be a thickening of the border on legitimate travel because of the legalization of marijuana. Will this bill take into account some of the added challenges? Does it address any of that? And have such conversations taken place between the two countries? We heard in a previous bill on the expungement of criminal records that we can expunge in Canada, but that information isn't necessarily shared correctly with the U.S.

I'm looking at all the challenges and intricacies of what happens at the border.

Senator Coyle: Thank you for your supplementary question and clarification.

Again, Bill C-21 is simply information that is already being collected at the U.S. border, by the U.S. border control, being transferred to the Canada Border Services Agency. That's it. There is no further holdup for anybody. What is already in place in terms of gathering of data will stay the same or will change according to U.S. requirements. This bill quite simply gives Canada the authority to receive that information from the U.S. border control or, as I said before, from a flight manifest. That includes an airline's manifest if somebody is flying internationally — not just not U.S. but anywhere internationally.

Hon. Nicole Eaton: Thank you, Senator Coyle. I support your bill completely. To reassure some of our colleagues, you didn't dwell on the number of European nations — England, France, Germany. With any country that I have been to, including China, you always go in and you give your information. You go out and you give your information. I think what we're doing is catching up. Would you agree?

Senator Coyle: I do agree that we are now aligning our entry-exit data collection requirements at Canadian borders with a number of other countries. I did mention the recent European enactment in 2017. We are also aligning to a certain extent — not 100 per cent; it's a made-in-Canada bill — with the Five Eyes: Canada, the U.S., the U.K., New Zealand and Australia.

Hon. Pamela Wallin: In your role as steward and shepherd of this legislation, you said it's a simple, straightforward bill. No such thing. A lot of the devil is in the details. You've talked about the need for details to be spelled out in regulation.

Could you ask — and then assure us — that when the appropriate ministers appear before committee during our study of this bill, they will have drafted regulations with them so that we can look at those things, even if it's not the final draft, but some direction of where they are going?

Senator Coyle: Thank you, Senator Wallin, I will endeavour to ensure that takes place.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND — SECOND READING — DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Pratte, for the second reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

Hon. Rosa Galvez: Colleagues, I rise today to speak at second reading to Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

According to the Senate legislative process, second reading is an opportunity for senators to debate the principle of the bill. At the end of this period, the bill may pass directly to third reading, but it has been our practice to send it to a committee. The Standing Senate Committee on Energy, the Environment and Natural Resources has the mandate to examine legislation related to energy, the environment and natural resources, including mines and other natural resources; pipelines, transmission lines and energy transportation; and environmental affairs.

Honourable senators, the purpose of my speech is to show that the principle behind Bill C-69 is well established. This is not a new type of legislation, and all parties involved want Bill C-69 to be sent to committee so that it can be thoroughly studied from a non-partisan perspective. The committee could present amendments or observations and, if appropriate, the bill could move on to the Senate for broader debate.

• (1540)

[*English*]

Environmental impact assessments, or EIAs, have been conducted since the 1960s because of the growing awareness of citizens and governments about the impact of development on pollution and the destruction of habitats, as well as both positive and negative social and economic impacts. While they are often called EAs — environmental assessments — the aim has always been to provide integrated impact assessments of development projects.

The United States was the first country to develop a system of EIAs. In 1969, the National Environmental Policy Act required environmental consideration for large-scale projects and legislative enforcement of EIAs. Since then, they have been widely enforced, first in Europe and then in Asia, Latin America and Africa and recently in eastern and southeastern Europe as countries aim to join the EU.

The OECD's Declaration on Environmental Policy in 1974 was the first international document to incorporate EIAs. This declaration was the follow-up activity after the United Nations Conference on the Human Environment, and it set the trend for environmental policy in OECD member countries.

The UN adopted the World Charter for Nature in 1982, which stated that EIAs should be publicly disclosed and deliberated and ensure that adverse effects on nature are minimized. In 1987, the UN adopted the Goals and Principles of Environmental Impact Assessment, which promoted EIA systems in member countries as well as the development of international procedures in cases where actions in one nation could lead to significant transboundary impacts in others.

Since then, many international treaties and protocols with provisions relating to EIAs have been ratified, including the Convention on Environmental Impact Assessment in a Transboundary Context, the Protocol on Environmental Protection to the Antarctic Treaty, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change in 1992.

In Canada, the federal Environmental Assessment and Review Process was established in 1973 to incorporate environmental and related social factors into EIAs. This policy was formalized in 1984. The federal government interpreted the process as discretionary and non-binding. The Federal Court and the Supreme Court disagreed with this interpretation and determined that the order was applicable in all situations where the government had an affirmative regulatory duty. More formalized legislation followed to make sustainable development part of the EIA process, namely, the Canadian Environmental Assessment Act, which came into force in 1992. The purpose of this act was to make sustainable development part of the environmental impact assessment process. In 2012, the federal government repealed and replaced the act with a version that came into law in July of the same year.

That is to say that EIAs have been anchored in policy and legislation in Canada and around the world for more than 40 years, with regulations generally evolving to be more environmentally stringent.

In general, Canadian legislation does not swing heavily to either side, whether it be overprotecting the environment or overcharging proponents. This may be due to our natural-resources-based economy and a federalist government which allows provinces to opt for individual visions and priorities concerning environmental protection at the provincial level.

The National Energy Board is a federal regulatory tribunal created in 1959 to oversee "international and interprovincial aspects of oil, gas and electric utility industries." The NEB regulates the construction, operation and abandonment of pipelines that cross provincial or international borders, international power lines and designated interprovincial power lines, imports of natural gas and exports of crude oil.

Proponents are required to submit an environmental and socio-economic assessment as part of the permit application process. The NEB fulfills its duty to conduct an environmental assessment under the National Energy Board Act, the Mackenzie Valley Resource Management Act and the Canadian Environmental Assessment Act. For larger or complex projects, the NEB may hold public hearings, for example, for major pipeline projects where the board hears comments on the environmental impact as well as other impacts or benefits of the given project.

It is evident that the present National Energy Board Act and the Canadian Environmental Assessment Act are intrinsically related pieces of legislation.

The EIA process has served an important purpose throughout its history. First and foremost, it aids in the decision-making process and to prevent projects with strongly negative environmental impacts from going forward unless attenuation or mitigation measures can be implemented.

Over the past 40 years, knowledge and awareness about issues raised during EIAs has evolved and progressed, and stakeholders have learned from numerous EIA processes and decisions.

Colleagues, since 1994, I have taught the course Environmental Impact Assessment for Engineering Projects at Laval University. Engineers Canada, the body that rules accreditation programs in Canadian universities, makes this course mandatory for the almost 300,000 engineers that are licensed. I have witnessed first-hand how new knowledge, technical notions such as risk management, newly designed criteria and technological and scientific advances are presented by proponents of projects, and also how they are considered during the environmental impact assessment process. When well designed, planned and carried out in neutral fashion, EIA is a powerful tool for legitimizing decisions. Impact assessment frameworks must then evolve to include contemporary concerns and preoccupations.

Among these preoccupations, today it is not only accepted but demanded that EIAs for projects located in the traditional territory of Indigenous people must include Indigenous people during the decision-making and approval process of such a project. This underscores the importance of the government's adhering to its duty to consult with Indigenous peoples.

The 2007 UN Declaration on the Rights of Indigenous Peoples calls for much more than a meagre consultation and delves into the relationship between the government and Indigenous people. Indigenous communities which are affected must provide free, prior and informed consent for project approval. Additionally, Indigenous jurisdictions should share decision-making powers with regard to project approval.

Environmental impact assessments have so far focused solely on direct environmental, social and economic impacts, whether these were positive or negative. However, as we are aware, upstream development will certainly impact downstream human activities. These secondary indirect or cumulative impacts are not always taken into consideration.

For example, in many major Canadian rivers — the St. Lawrence, the Slave River — the infrastructure effects downstream activities, such as water for irrigation, water for drinking, water for industrial purposes, water for reservoirs for energy production. As another example, the use of non-biodegradable pesticides in and around lands causes a long chain of impacts. Beekeepers report that their industry is on the verge of collapse due to bee mortality. You wonder why bees are important — it is such a small insect — but farmers rely on honey bees for pollination.

Senators, how can we ignore that 75 per cent of the world's crop depends on pollinators such as bats and bees? The indirect, secondary and cumulative impacts of projects must then be considered.

• (1550)

Another preoccupation is climate change. Climate change, as we all know, unless you want to put your head in the sand, is transforming land, hydrological systems and weather conditions from coast to coast to coast. Reduced ice cover in the North affects economic development and traditional ways of living. Permafrost degradation has a real and long-term effect on existing and future infrastructure in the Arctic. Ecosystem changes affect biodiversity distribution, species at risk and food supply, not only for Indigenous people but any people living in our vast country. Extreme and unpredictable weather events such as forest fires, flooding, droughts, tornadoes, hurricanes and ice storms put essential infrastructure, human health and safety at great risk.

Just one year after Hurricanes Harvey, Irma and Maria, for which damages exceeded US$92 billion, Florence hit. Hurricane Florence was a 1 in 1,000-year event and was larger than the whole state of North Carolina.

Honourable senators, do you know that in 2011, North Carolina passed a bill, NC-20, to ban scientific predictions of accelerated sea level rise that were inconsistent with outdated historical data? Let that sink in. Ignoring science is not only dangerous but costly and, mostly, irresponsible.

Faced with the real risk of climate change, environmental impact assessment and energy regulations must evolve dynamically and adapt in the face of not only the observed changes but with awareness of social, economic and technological advances. The government is acting responsibly by modernizing and harmonizing EIA legislation.

Appropriately, modernization can bring opportunities for economic growth and technological advances. Delaying modernization, put simply, renders our industry — which already lags and relies on old technology and old criteria — less competitive. Modernization should increase safety and quality of life for Canadian citizens who are increasingly affected by climate change, and also bridge the gap of inequality faced by some Indigenous communities.

In the last decades, the process, actions and decisions around environmental impact assessment and NEB decisions have caused loss of credibility and confidence by the public in government and legislators. Adapting the EIA process to modern conditions and expectations will hopefully return credibility to the environmental review process, particularly by adding transparency to the science behind the decision making and accounting for social health, economic and climate change impacts.

Responsible corporations seek exactly the same objectives of neutrality, clarity in the process and opportunities for innovation. Considering all facets of society, the environment and the economy, leads to sound decision making.

The Hon. the Speaker: Senator Galvez, your time has expired. Are you asking for five more minutes?

Senator Galvez: Yes, please.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

Senator Galvez: I'm sure you will agree, colleagues, that it is our duty to carefully examine Bill C-69. By referring it to committee as soon as possible, we could consult with ministers, public servants and a multitude of stakeholders, thereby facilitating the process of analyzing and improving the bill. Thank you.

Some Hon. Senators: Hear, hear!

[*English*]

Hon. Douglas Black: Would the honourable senator take a question?

Senator Galvez: Absolutely.

Senator D. Black: Thank you very much, Senator Galvez, for your very detailed review of the history of environmental processes. It was very interesting. I'm also interested in your call that the matter will go to committee, whichever committee is selected.

Tell me this: Would your view be that because of the importance of this legislation, as you have indicated, and the number of stakeholders that have an interest in this, whether it is First Nations, unions or resource proponents, would you agree that the thing to do is, for whatever committee is selected, to travel from coast to coast to coast to hear from Canadians where they live and work?

Senator Galvez: Thank you very much for your question. I am an engineer, and my two principles are efficiency and efficacy. Efficiency is doing more with less, and the other is doing it in an accelerated period, as fast as we can.

With today's infrastructure on communications, some areas may need to be visited, but many other areas can be joined by telecommunications, the Internet and Skype. There could be a combination of those ways of communicating.

Hon. Dennis Glen Patterson: I have another question for the honourable senator, Your Honour.

Senator Galvez: Yes.

Senator Patterson: Did I understand you to say that the Energy Committee will be considering Bill C-69? I'm wondering who made that decision.

Senator Galvez: No, I am sorry. I never said that the bill will be sent to that committee. This is a question that has to be proposed. I assume because there is an agreement between the bill and the mandate. What I read is the mandate of our committee.

Senator Patterson: Okay. Thank you. Assuming that the bill will be considered by the Energy Committee — I'm a member of that committee, and I'm not against that — I was curious, honourable senator, about your position as the neutral chair of the committee.

Now, you stated in your speech, approvingly, that the legislation must be modernized and harmonized and that this bill will attempt to do that. You stated in your speech, approvingly, that a modern bill must include contemporary issues. You mentioned Indigenous consultation, and the UN Declaration on the Rights of Indigenous Peoples.

Are you making a judgment about this bill before it is even considered by the committee? Are you saying that the very issues that the committee will examine, namely, whether it is effective in modernization, whether it is appropriate that it includes contemporary issues, including Indigenous consultation — you didn't mention gender parity, but that's in the bill as well — are you making judgments about the bill in advance of it being considered by the committee, and is that appropriate for the chair of a committee?

Senator Galvez: Thank you very much for your question.

I didn't say that I support the bill. What I did was a historical review, as you mentioned, and then later I stated facts, facts about what is going on in the world, not necessarily in Canada.

Actually, to tell you the truth, I have some amendments. I am not in agreement. I haven't read the complete 300 pages. We have to do it at that point. What I'm trying to say is we shouldn't delay.

The Hon. the Speaker: I'm sorry, Senator Galvez.

Senator Patterson: I just have one more question.

The Hon. the Speaker: Please take your seat, senators.

Honourable senators, it is now four o'clock, but before we adjourn, it appears that there are other questions for Senator Galvez. However, her time has expired. I will ask her if she wants five more minutes to answer questions, and it will have to be tomorrow when that time is given.

Are you asking for five more minutes, Senator Galvez?

Senator Galvez: Yes, please.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: I'm sorry, did I hear a "no"? Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: One more time. Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: All those in favour will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I'm sorry, your five minutes is not granted. There will be no more questions of Senator Galvez tomorrow.

(At 4 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)

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